

Exhibit A

Rex Wu
6315 N Campbell
Chicago, IL 60659
Telephone: 312.785.0348
Email: rex_wu@live.com

UNITED STATES BANKRUPTCY COURT SOUTHERN DISTRICT OF NEW YORK

Lehman Brothers Holdings INC.,)

et al)

Debtors)

Case Number: 08-13555(SCC)

Jointly Administered

NOTICE OF APPEAL

Honorable Shelley C. Chapman
United States Bankruptcy Judge:


Rex Wu, as pro se and joinder of the reference motions, files this notice with the intention to appeal the order denying

1. The Motion for Summary Judgement (Docket #60484)
2. The Motion to Reserve for the Motion to Reclassify (Docket# 60448)
3. Motion to Reclassify (Docket# 60337)

that was issued by this court on June 11th, 2020 (Docket# 60678).

Respectfully Submitted,

Dated: June 29th, 2020


Rex Wu
6315 N. Campbell
Chicago, IL 60659
312-785-0348

Joseph J Waske
22862 Via Genoa
Dana Point, CA 92629

Elizabeth Harrison
1413 N. Vermont St.
Arlington, VA 22201

Brian L Linse
2495 SW Timberline Dr.
Portland, OR 97225

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Mount Morris, MI 48458

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Oak Forest, IL 60452

Jeffery Lenore Wood
402 W Allen Ave.
Springdale, AZ 72764

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Rochester, NY 14607

Glenn Blaze
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Port Monmouth, NJ 07758

Garrett Fails
Weil, Gotshal and Manges
767 Fifth Ave
New York, NY 10153

**UNITED STATES BANKRUPTCY COURT
 SOUTHERN DISTRICT OF NEW YORK**

-----X	
In re	: Chapter 11 Case No.
LEHMAN BROTHERS HOLDINGS INC., <i>et al.</i>	: 08-13555 (SCC)
Debtors.	: (Jointly Administered)
-----X	

**ORDER DENYING (I) MOTION TO RECLASSIFY (ECF NO. 60337);
 (II) MOTION TO RESERVE FOR MOTION TO RECLASSIFY (ECF NO. 60448);
 AND (III) MOTION FOR SUMMARY JUDGEMENT (ECF NO. 60484)**

The Court having considered the following motions filed by Joseph Waske (“Waske”):

(i) *Motion to Reclassify* [ECF No. 60337] (the “**Motion to Reclassify**”), (ii) *Motion to Reserve for Motion to Reclassify* [ECF No. 60448] (the “**Motion to Reserve**”), (iii) *Motion for Summary Judgement* [ECF No. 60484] (the “**Motion for Summary Judgement**” and collectively with the Motion to Reclassify and the Motion to Reserve, the “**Motions**”); and the Court having considered the timely objections by the Plan Administrator to the Motion to Reclassify [ECF No. 60378], to the Motion to Reserve [ECF No. 60482], and to the Motion for Summary Judgement [ECF No. 60641]; and the Court having considered each of Waske’s replies thereto [ECF Nos. 60403, 60542, and 60642]; and the Court having considered all of the joinders and statements filed in connection with the Motions (collectively, the “**Joinders**”) [ECF Nos. 60348, 60354, 60379, 60381, 60400, 60478, 60479, 60507, 60645, and 60654]; and the Court having jurisdiction to decide the Motions and the relief requested therein in accordance with 28 U.S.C. §§ 157(a)-(b) and 1334 and the *Amended Standing Order of Reference M-431*, dated January 31, 2012 (Preska, C.J.); and consideration of the Motions and the relief requested therein being a core proceeding pursuant to 28 U.S.C. § 157(b); and venue being proper before this Court

pursuant to 28 U.S.C. §§ 1408 and 1409; and the Court having conducted a hearing on the Motions on June 3, 2020 (the “**Hearing**”); and after due deliberation and for the reasons stated by the Court in its bench ruling at the Hearing, which are incorporated as if set forth herein and made part hereof, the Court having determined that no party established sufficient factual or legal basis for the requested relief in the Motions, it is hereby

1. ORDERED that each of the Motions is denied with prejudice; and it is further

2. ORDERED that any relief sought by the Motions or the Joinders is denied with prejudice.

3. ORDERED that this Court shall retain jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Dated: June 11, 2020
New York, New York

/S/ Shelley C. Chapman
THE HONORABLE SHELLEY C. CHAPMAN
UNITED STATES BANKRUPTCY JUDGE

Rex W
6315 N Campbell Ave
Chicago, IL
312-785-0348
rex_wu@live.com

July 8th, 2019

The Honorable Shelley C. Chapman
United States Bankruptcy Judge Bankruptcy Court for the Southern District of New York
One Bowling Green
New York, NY 10004-1408

Re: Lehman Brothers Holding, Inc. , Docket No. 08-13555-SCC (Bankr. S.D.N.Y.)

Dear Honorable Judge Chapman:

I am respectfully writing you this letter to inform you that the Notice of Appeal (Exhibit A) was submitted to the Pro Se Office via email (Exhibit B) in accordance to the SDNY Covid 19 Courthouse Procedures on June 30th, 2020. I was informed by the Pro Se Office that I should resubmit the Notice of Appeals directly to the LBHI case number 08-13555(scc). I resubmitted the Notice of Appeal via upload (Exhibit C) today, July 8th 2020 for your review.

Thank you for your valuable time.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Rex Wu', is written over a horizontal line.

Rex Wu
Pro Se

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Hon. S Chapman

If yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☒ Yes ☐ If yes, give date _____ & Case No. 08-13555scc

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No ☐ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

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TORTS

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[] 950 CONSTITUTIONALITY C STATE STATUTES

REAL PROPERTY

- [] 210 LAND CONDEMNATION
[] 220 FORECLOSURE
[] 230 RENT LEASE & EJECTMENT
[] 240 TORTS TO LAND
[] 245 TORT PRODUCT LIABILITY
[] 290 ALL OTHER REAL PROPERTY

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[] 442 EMPLOYMENT
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[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT
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[] 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT

IMMIGRATION

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[] 465 OTHER IMMIGRATION ACTIONS

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y. AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☒ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation (Transferred) ☐ 7 Appeal to District Judge from Magistrate Judge ☐ 8 Multidistrict Litigation (Direct File)
- ☐ a. all parties represented ☐ b. At least one party is pro se.

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BASIS OF JURISDICTION

**IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.**

- ☒ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☐ 3 FEDERAL QUESTION ☐ 4 DIVERSITY
(U.S. NOT A PARTY)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [] 1 [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] 3 [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [] 5 [] 5
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PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☐ MANHATTAN

DATE _____ SIGNATURE OF ATTORNEY OF RECORD _____ ADMITTED TO PRACTICE IN THIS DISTRICT
[] NO
[] YES (DATE ADMITTED Mo. _____ Yr. _____)
RECEIPT # _____ Attorney Bar Code # _____

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

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- [] 895 FREEDOM OF INFORMATION ACT
- [] 896 ARBITRATION
- [] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OF APPEAL OF AGENCY DECISION
- [] 950 CONSTITUTIONALITY C STATE STATUTES

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y. AS DEFINED BY LOCAL RULE FOR DIVISION OF BUSINESS 13? IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☒ NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32)

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation (Transferred)
 ☐ 7 Appeal to District Judge from Magistrate Judge
 ☐ 8 Multidistrict Litigation (Direct File)
- ☐ a. all parties represented
☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION**IF DIVERSITY, INDICATE CITIZENSHIP BELOW.**

- ☒ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☐ 3 FEDERAL QUESTION
 ☐ 4 DIVERSITY
- (U.S. NOT A PARTY)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [] 1 [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] 3 [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [] 5 [] 5
CITIZEN OF ANOTHER STATE	[] 2 [] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6 [] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

COURTHOUSE ASSIGNMENT

I hereby certify that this case should be assigned to the courthouse indicated below pursuant to Local Rule for Division of Business 18, 20 or 21.

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☐ MANHATTAN

DATE SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

ADMITTED TO PRACTICE IN THIS DISTRICT
☐ NO
☐ YES (DATE ADMITTED Mo. _____ Yr. _____)
 Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

Exhibit B

From: Rex W

Sent: Tuesday, June 30, 2020 10:40 AM ←

To: Temporary_Pro_Se_Filing@nysd.uscourts.gov

Subject: Pro Se Filing - New Case

To Whom It May Concern,

Please review and file.

Thank you,

Sent from Mail for Windows 10

PDF Upload for Self-Represented Individuals only

Exhibit C

Your submission was received on Wednesday, July 8, 2020 at 02:16:44 PM. ←

Your receipt number is **1594232204**. Please retain this receipt for your records.

Filings received after 4:30 p.m. ET will be processed the following business day. Filings received on nonbusiness days will be processed the next business day. Business days are days other than weekends and holidays.

Please do **NOT** send the same files more than once. Multiple uploads of the same file will delay processing of your files. Thank you.

[Submit more documents](#)